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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

KIRAKOS AYVAZYAN,

Defendant and Appellant.

B215702

(Los Angeles County
Super. Ct. No. GA074845)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Steven K. Lubell, Judge. Affirmed as modified.

Michael John Shultz, under appointment by the Court of Appeal, for Defendant
and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Sarah J.
Farhat and Kathy S. Pomerantz, Deputy Attorneys General, for Plaintiff and Respondent.

FACTS AND DISCUSSION

Kirakos Ayvazyan was found with almost seven grams of cocaine base and a glass “crack” pipe near the Days Inn in Glendale, a known hot spot for drug dealers and users. He was convicted by a jury of possession of cocaine base for sale (count 1) and transportation of a controlled substance (count 2). (Health & Saf. Code, §§ 11351.5, 11352, subd. (a).) As to both counts, the trial court found true that Ayvazyan had suffered a prior conviction pursuant to Penal Code section 11370.2, subdivision (a). It further found true that he served a prior prison term within the meaning of Penal Code section 667.5, subdivision (b).

Probation was denied and Ayvazyan was sentenced to a total of seven years in state prison, consisting of the low term of three years for count 1 plus three years for the prior narcotics conviction enhancement and one additional year for a true finding on a prior prison term enhancement. (Health & Saf. Code, §11370.2, subd. (a); Pen. Code, § 667.5, subd. (b).) As to count 2, the court imposed a low term sentence of three years and ordered it to run concurrently with count 1.

Ayvazyan timely appealed, contending the trial court erred when it failed to stay the three year sentence for count 2 under Penal Code section 654. The People agree, as do we. Penal Code section 654 prohibits multiple punishment for a single course of conduct. The separate convictions for possession of cocaine base for sale and transportation of a controlled substance arose from the same transaction. (*People v. Lopez* (1992) 11 Cal.App.4th 844, 845-846.)

We also note the abstract of judgment does not accurately reflect the trial court’s oral pronouncement of sentence. The abstract of judgment reflects the imposition of two Health and Safety Code section 11370.2, subdivision (a) enhancements, one for each count, with the enhancement on count 2 stayed. It further reflects the imposition of two one-year priors within the meaning of Penal Code section 667.5, subdivision (b), one of which was stayed. There was only one prior narcotic offense and one prior prison term alleged. Status enhancements are added only once regardless of the number of determinate counts upon which sentence is imposed. (Pen. Code, § 1170.1; *People v.*

Tassell (1984) 36 Cal.3d 77, 89-92; overruled on other grounds in *People v. Ewoldt* (1994) 7 Cal.4th 380, 401.) In the trial court's oral pronouncement of sentence, it correctly added, at the end of the sentence, only one three-year term for the narcotics prior and only one one-year term for the prison prior. The abstract of judgment must be amended to reflect the trial court's sentence.

DISPOSITION

The judgment is modified to reflect that a three-year sentence on count 2 is imposed and stayed pending service of the sentence on count 1 and its related enhancements, such stay to become permanent when service of the sentence under count 1 is completed. It is further modified to reflect the imposition of only one prior prison term pursuant to Penal Code section 667.5, subdivision (b) and one prior narcotics offense pursuant to Health and Safety Code section 11370.2, subdivision (a). The clerk of the superior court is directed to correct the abstract of judgment to reflect this modification and forward the corrected abstract to the Department of Corrections. As modified, the judgment is affirmed.

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BIGELOW, P. J.

We concur:

RUBIN, J.

FLIER, J.